

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America
v.Nieves Pena Perez
DOB: 1968
Citizenship: United States

Case No.

M-18-0469-M

United States Courts
Southern District of Texas

FILED

March 04, 2018

Defendant(s)

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 3, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC § 952

Offense Description

Illegal Importation of a Controlled Substance / Approximately 47.54
Kilograms of Marijuana, a Schedule I Controlled Substance.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.Submitted by reliable electronic means, sworn to and attested
to telephonically per Fed. R. Cr. P. 4.1, and probable cause
found on:

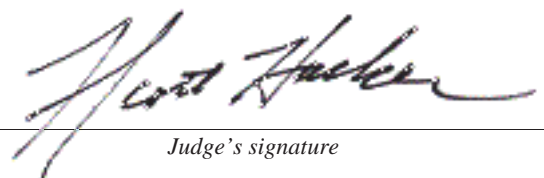
/s/ Bradley M. Gaines

Complainant's signature

Bradley M. Gaines, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/04/2018City and state: McAllen, Texas

Judge's signature

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

Attachment "A"

I, Bradley M. Gaines II, am a Special Agent with the United States (U.S.) Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On March 3, 2018, HSI McAllen received a request for investigative assistance from the U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) at the Progreso Port of Entry (POE) in Progreso, Texas. CBP Officers (CBPOs) detained Nieves Pena PEREZ (hereafter referred to as "PEREZ"), a United States Citizen (USC), while attempting to enter the U.S. with approximately 47.54 kilograms (kg) of marijuana concealed within the gas tank and rear door panels of the Ford Explorer (hereafter referred to as "Load Vehicle") she was driving. The Load Vehicle was registered to PEREZ.
2. During Primary Inspection, CBP Officers (CBPOs) obtained a negative oral declaration for fruits, food, alcohol, tobacco, drugs, weapons and currency over \$10,000.00. CBPOs referred PEREZ and the Load Vehicle to secondary inspection due to signs of tampering to the gas tank straps and a solid sounding gas tank when tapped on.
3. During Secondary Inspection, CBPOs conducted a non-intrusive X-Ray inspection and discovered anomalies in the gas tank and rear doors of the Load Vehicle. A CBP K-9 narcotics detection team conducted a free air inspection of the Load Vehicle which resulted in a positive alert for the order of narcotics emanating from the Load Vehicle.
4. A physical search of the vehicle resulted in CBPOs discovering six (51) vacuum sealed packages concealed within the gas tank and the rear doors of the Load Vehicle. CBPOs field tested the substance inside the packages, which was positive for the characteristics of marijuana.
5. HSI SAs responded to the Progreso POE to assist in the investigation. HSI SAs interviewed PEREZ who admitted (Post-Miranda Warning) that she was hired by an individual in Nuevo Progreso, Tamaulipas, Mexico to smuggle marijuana in to the U.S.
6. PEREZ will be charged with Illegal Importation of a Controlled Substance, in violation of 21 USC § 952.